

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CARNEGIE INSTITUTION OF
WASHINGTON and M7D CORPORATION,

Plaintiffs,

v.

FENIX DIAMONDS LLC,

Defendant.

Civil Action No. 1:20-cv-00200-JSR

**DECLARATION OF LAURA LYDIGSEN IN SUPPORT OF
DEFENDANT FENIX DIAMOND LLC'S BILL OF COSTS**

Pursuant to 28 U.S.C. § 1746, I, Laura Lydigsen, declare that the following is true and correct:

1. I am an attorney at Crowell & Moring, LLP and represent Defendant Fenix Diamond LLC ("Fenix") in the above-captioned matter. I am admitted *pro hac vice* to practice in this Court, and I am familiar with the facts and circumstances set out herein. I submit this Declaration in support of Fenix's Bill of Costs.

2. I have reviewed the records for costs expended by Fenix in this litigation to support Fenix's Bill of Costs.

3. The chart immediately below summarizes Fenix's costs related to Fees of the Clerk.

Type of Costs	Date	ECF No.	Costs
Pro Hac Vice Application of Steven Howard Sklar	03/13/2020	19	\$200
Pro Hac Vice Application of	03/20/2020	21	\$200

Maxwell B. Snow			
Pro Hac Vice Application of David M. Airan	06/09/2020	54	\$200
Pro Hac Vice Application of Nicole E. Kopinski	06/22/2020	55	\$200
Pro Hac Vice Application of Paul J. Filbin	10/15/2020	101	\$200
Pro Hac Vice Application of Laura A. Lydigsen	09/12/2023	150	\$200
Pro Hac Vice Application of Wei-Chih Hsu	09/14/2023	152	\$200
Pro Hac Vice Application of Mark H. Remus	09/21/2023	158	\$200
TOTAL:			\$1,600.00

4. Annexed hereto as **Exhibit A** is compilation documenting the above payments, which includes a true and correct copy of the docket sheet in the above-captioned matter, in which the receipt numbers for the filing fees for the above *pro hac vice* applications are highlighted and an email receipt documenting payment for Laura Lydigsen (no receipt number appears in the docket).

5. The chart immediately below summarizes Fenix's court reporter fees for depositions. Pursuant to the Court's Local Rules, only depositions cited by the parties in the summary judgment briefs (ECF Nos. 97, 98, 108-12, 120-21) and/or the Court's summary judgment decision (ECF No. 133) are included below.

Deponents	Cited At	Deposition Date	Receipt/Invoice No.	Total Costs
Michael Capano	ECF No. 120, at 6, 9. ECF No. 121, ¶¶ 3, 19, 64, 65, 67, 100, 102, 108. ECF No. 110, at ¶ 50. ECF No. 112, at ¶¶ 31–32, 67, 69. ECF No. 133, at 20, 22.	10/23/2020	Henderson Legal Service, No. 80790	\$5,580.80
Karen Gleason	ECF No. 121, ¶¶ 11, 44, 50, 64, 65, 67, 75, 108. ECF No. 110, at ¶ 76. ECF No. 112, at ¶ 53.	10/22/2020	Henderson Legal Service, No. 80788	\$3,981.45
Russell Hemley (vol. 1 and vol. 2)	ECF No. 98, at ¶ 37. ECF No. 110, at ¶¶ 3, 53, 57–61. ECF No. 112, at ¶ 37.	09/01/2020	Henderson Legal Service, Nos. 80515 and 80517	\$3,578.00
Amit Mehta	ECF No. 97, at 5. ECF No. 98, ¶¶ 39–40. ECF No. 121, ¶ 67. ECF No. 110, ¶¶ 30–31.	07/22/2020	Planet Depos, No. 342842	\$4,570.10
Naman Parikh	ECF No. 121, ¶ 10.	08/19/2020	Planet Depos, No. 347866	\$2,736.50
Michael Pinneo	ECF No. 110, ¶ 80–82.	10/16/2020	Planet Depos, No. 360226	\$3,132.40
Yarden Tsach	ECF No. 98, ¶¶ 71. ECF No. 121, ¶¶ 64, 65, 67, 108. ECF No. 112, ¶ 71.	08/27/2020	Henderson Legal Service, No. 80472	\$4,191.00
Yogesh Vohra	ECF No. 97, at 11. ECF No. 98, ¶¶ 61–62.	07/31/2020	Henderson Legal Service, No. 80346	\$1,855.28

	ECF No. 121, ¶¶ 17, 60, 72–73. ECF No. 112, ¶ 62.			
TOTAL:				\$ 29,625.53

6. Annexed hereto as **Exhibit B** are true and correct copies of the invoices for court reporter fees incurred in connection with the above depositions.

7. The chart immediately below summarizes Fenix's translation cost for Chirag Limbasiya's deposition, which was cited in the Court's summary judgment decision. ECF No. 133, Op. at 13, 16, 17, 21.

Deponents	Cited At	Deposition Date	Receipt/Invoice No.	Total Costs
Chirag Limbasiya	ECF No. 133, at 13, 16, 17, 21.	09/10/2020	Legal Advantage, No. LVaML901286	\$1,718.09 (pro-rated)
TOTAL:				\$ 1,718.09

8. Annexed hereto as **Exhibit C** is a true and correct copy of the invoice for the translation of Chirag and Bakulbhai Limbasiya's deposition transcripts from Gujarati to English. To allocate the translation cost for Chirag Limbasiya's deposition transcript, the amount (\$1,718.09) listed above is a pro-rated amount according to the numbers of pages of Chirag Limbasiya's Gujarati transcripts (34 pages) and Bakulbhai Limbasiya's Gujarati transcripts (13 pages).

9. The chart immediately below summarizes Fenix's additional court reporter fees for three expert depositions that were reasonably necessary to the litigation at the time they were taken even though these experts' testimony was not cited in the summary judgment briefing or decision. *Sung Choi v. City of New York*, No. 10 CIV. 6617 JPO, 2013 WL 1387021, at *2

(S.D.N.Y. Apr. 5, 2013). Had this case proceeded to trial, the deponents below were expected to testify at the trial, and therefore, the depositions below were reasonably necessary to the litigation at the time they were taken.

Deponents	Role of Deponents	Deposition Date	Receipt/Invoice No.	Total Costs
John C. Jarosz	Plaintiffs' expert of damages	10/21/2020	Henderson Legal Service, No. 80813	\$5156.00
David E. Yurkerwich	Fenix's expert of damages	10/26/2020	Planet Depos, No. 363112	\$2,239.10
John Martens	Fenix's expert of non-infringement	10/23/2020	Planet Depos, No. 362720	\$1862.10
TOTAL:				\$ 9,257.20

10. Annexed hereto as **Exhibit D** are true and correct copies of the invoices for court reporter fees incurred in connection with the above depositions in the chart immediately above.

11. I declare under penalty of perjury to the best information and belief that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Chicago, Illinois on October 20, 2023

/s/ Laura Lydigsen
Laura Lydigsen